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The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development

Letter dated 30 January 2002 from the Permanent Representative of El Salvador to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the Political Agreement between the Government of El Salvador and the associations representing the war wounded and disabled, adopted in San Salvador on 18 December 2001 (see annex). This fulfils the last commitment outstanding for the full implementation of the El Salvador peace agreements.

In this connection, I should be grateful if you would have the text of the Political Agreement circulated as a document of the General Assembly under agenda item 44.

(*Signed*) José Roberto **Andino Salazar**
Ambassador
Permanent Representative

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Annex to the letter dated 30 January 2002 from the Permanent Representative of El Salvador to the United Nations addressed to the Secretary-General

Instrument of Agreement

The Government of El Salvador and the associations representing the war wounded and disabled are signing this Agreement in order to remedy the shortcomings of the Fund for the Protection of the War Wounded and War Disabled and solve this problem once and for all as the only outstanding aspect of the peace agreements; accordingly, they agree as follows:

1. Immediately to restructure the Board of Directors of the Fund, with respect to both its membership and its operation, in order to ensure that it is managed in a fully efficient and representative manner.

2. To grant legal personality to the Association of War Wounded of El Salvador (ALGES) in accordance with the law, in order to enable it to participate in the relevant administrative bodies of the Fund.

3. To amend the operations of the Technical Evaluation Commission, replacing its current function of direct and exclusive medical evaluation by a procedure incorporating the following phases and tasks:

(a) Referral of cases to specialists;

(b) Adoption of decisions on the basis of the corresponding medical reports, including diagnoses by various specialists when cases so warrant;

(c) Recording and monitoring of the development of disabilities;

(d) Review of its decisions in cases where beneficiaries dispute medical reports.

The Fund shall determine independently the pool of specialists necessary to carry out full medical evaluations. The Ministry of Foreign Affairs undertakes to arrange with the Governments of Spain and Mexico the provision of doctors who can act as permanent advisers to the Evaluation Commission.

The management shall adopt the necessary administrative measures in keeping with decisions of the Technical Evaluation Commission.

The Board of Directors of the Fund shall be the body of last resort to hear and rule on appeals disputing the technical decisions of the Evaluation Commission or the administrative decisions of the management.

4. To alter the role and functions of the Oversight Board and the Investments Committee under the law in force, merging them as functions and obligations of a financial management committee which shall advise the Board of Directors of the Fund.

5. War-wounded persons whose disability falls within a range of 60 per cent to 100 per cent shall be entitled to special benefits and allowances according to their medical treatment needs and the non-recurring expenses arising from their injuries. The Fund shall determine in each case the amount, duration or type of special benefits and allowances and shall pay them from its regular budget.

6. The law shall be amended to provide expressly that, in the event of the death of a beneficiary, his or her pension shall be transferred to any minor children.

7. The following guidelines shall be adopted increasing the number of wounded and disabled persons covered by the Fund:

(a) Applications shall be receivable within a firm and definitive time limit of six months;

(b) Applications shall be submitted to the Fund individually;

(c) Applicants shall be obliged to fulfil all the requirements established by law;

(d) As prescribed in the current regulations, the Fund shall have a maximum of 60 working days in which to rule on the validity of applications, following evaluation of the relevant supporting documentation;

(e) Cases that are of a strictly exceptional nature, owing to the subsequent appearance of effects of war wounds, shall not be subject to the provisions of subparagraph (a);

(f) New beneficiaries shall be entitled to the pensions and benefits awarded to them from the date on which they are entered in the register of the Fund;

(g) In the event of increases in the amount of the minimum wage, the pensions of war-wounded persons shall be adjusted automatically;

(h) With a view to ensuring that benefits go only to the population that is intended to benefit from the present Agreement, it is understood that that population shall in no case exceed 3,000 persons, who shall include members of the armed forces, of the Frente Farabundo Martí para la Liberación Nacional (FMLN) and of the civilian population who were directly affected by the armed conflict, provided that they have not already been assisted by the Fund for the Protection of the War Wounded and War Disabled.

8. In the case of wounded and disabled persons, appeals for a change of status from that of a person entitled to compensation to that of pensioner, following the review of a medical report, shall be filed in accordance with the procedures in force, without requiring amendments to the law or the regulations.

9. The expansion of the number of family members of deceased combatants eligible to receive benefits (minor children or elderly parents) shall be carried out in accordance with the following procedure:

(a) The legal associations representing war-wounded persons shall submit the corresponding preliminary lists to UNDP within one month. After that time, the lists of family members potentially eligible for benefits shall be definitively closed;

(b) The Fund, under a technical assistance project requested from UNDP, shall, within two months, carry out a census of everyone on the lists. The census shall cover:

(i) The number of beneficiary minor children or elderly parents for each deceased combatant;

(ii) The number of deceased combatants per beneficiary family member;

(iii) Supporting documentation available at the time of the census;

(iv) Relevant socio-economic information;

(v) Cross-checking with lists of current beneficiaries to eliminate double recording;

(c) On the basis of the census, the Fund, with the assistance requested from UNDP, shall draw up the comprehensive list of family members eligible for the expansion of the number of beneficiaries of the Fund;

(d) The eligible family members shall submit the relevant supporting documentation to the Fund, annexed to their individual applications;

(e) The Fund shall evaluate the documentation and enter the new beneficiaries in the database;

(f) The procedure shall be completed before the end of 2002.

10. The Fund undertakes to assist from its regular budget, as soon as they are accepted in the register of beneficiaries, newly added family members whose personal and economic situation is most critical.

For the purposes of determining the situation referred to in the preceding paragraph, UNDP was requested, through a specific technical assistance project, to make a socio-economic study of the individual family members and of the family as a whole; it shall submit its recommendations to the Fund. The purpose of this provision shall be to place the solution of the problem in its true humanitarian dimension. The study shall look at, in particular:

(a) The number of employed children, in the case of parents;

(b) The parents' employment or other sources of income;

(c) The parents' age and health;

(d) The current means of support of minor children.

It is understood that priority shall be given to the oldest or sickest parents, with the least possibilities of alternative means of support, and to minor children whose surviving family members are living in the greatest poverty.

The remaining family members entered as new beneficiaries in the Fund's database shall gradually begin to receive assistance from 2003 onwards, using the resources of the trust fund to be established for that purpose as an additional medium- and long-term solution to the overall problem of the war wounded and their family members.

11. The trust fund referred to in the preceding paragraph shall be created by the Fund or by the most appropriate body during the first quarter of 2002. For that purpose, the Government of El Salvador undertakes to begin immediately the necessary procedures for obtaining external cooperation resources and to find the most appropriate ways of investing non-recurring national funds in the trust fund. An effort shall be made to ensure that both foreign and national contributions to the trust fund shall constitute a long-term financial asset. The Fund may secure other donations, either internationally or from the Salvadoran private sector.

12. In anticipation of the possible need for budgetary support for the Fund, a special account, to be administered by UNDP at the request of the Government of El Salvador, shall be opened as a means of guaranteeing that the cost of additional benefits will be covered. With the agreement of donors, the first US$ 3 million of foreign cooperation funds intended for the trust fund shall be deposited in that account. If there is no need to use the special account for the purpose mentioned in the first two years, its funds shall be transferred to the trust fund.

13. In order to ensure that FMLN war wounded are duly representative for the purposes of their participation in the Board of Directors or in other administrative bodies of the Fund, agreement shall be reached among the various legal associations approved and convened in each case by the Minister of the Interior. In any case, the Minister shall be required to ensure that representation is exercised by the association with the largest number of members and beneficiaries of the Fund. For that purpose, he shall consult the register of non-profit associations and foundations kept by the Ministry and the registers of the Fund.

14. The terms of this Agreement shall be embodied, as appropriate, in an amendment to the Benefit Act for the Protection of the War Wounded and Disabled. The Government of El Salvador undertakes to do its utmost to expedite the adoption of the amendment during the last session of the Legislative Assembly this year.

15. The associations of war wounded undertake formally to request FMLN and all the political parties to support the present Agreement as a satisfactory solution for the beneficiaries of the Fund and as a definitive solution to this aspect of peace agreements.

San Salvador, 18 December 2001

For the Government:

(*Signed*) María Eugenia **Brizuela de Avila**
Minister for Foreign Affairs

(*Signed*) Jorge **Nieto Menéndez**
Minister of Labour and Social Security

For the associations of war wounded and disabled ALFAES, COMITEH, ALGES, PODES, ALFES, FUNDELIDDI, Cooperativa Nueva Vida, Cooperativa Buen Futuro:

(*Signed*) José **Gerbacio Ayala**
(*Signed*) Jesús **Avalos Escobar**
(*Signed*) Miriam Ruth **Amaya**
(*Signed*) José Ricardo **Guerra**
(*Signed*) Miguel Angel **Aquino**
(*Signed*) Luis Enrique **Salazár**

Honorary witness, UNDP
Officer-in-charge
(*Signed*) Elizabeth **Hayek Weinmann**